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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/698,338	10/31/2003	Daniel Danker	MS1-1732US	9657

22801 7590 12/02/2009  
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EXAMINER
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SAINT CYR, JEAN D

ART UNIT	PAPER NUMBER
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2425

NOTIFICATION DATE	DELIVERY MODE
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12/02/2009

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

lhptoms@leehayes.com

<b>Office Action Summary</b>	<b>Application No.</b> 10/698,338	<b>Applicant(s)</b> DANKER ET AL.	
	<b>Examiner</b> JEAN D. SAINT CYR	<b>Art Unit</b> 2425	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 27 July 2009.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-4, 6-26 and 28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6-26 and 28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)         | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)         | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### **Response to Amendment**

This action is in response to applicant's amendment filed on 07/27/2009. Claims 1-4, 6-26, 28 are still pending in the current application. Claims 5 and 27 are cancelled. This action is made Final.

### **Response to Arguments**

Applicant's arguments with respect to claims 1-4, 6-26, 28 have been considered but are moot in view of the new ground(s) of rejection. Applicant amends the claims in introducing new limitations and argues that Lemmons et al only truncates the EPG with respect to channels. For that reason, the examiner introduces Kamen et al truncating the EPG with respect to time in col.2, lines 28-32. And Alexander et al shows in fig.1 that every program in the grid is associated with channel and time. As a result, this action is made final.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-4, 6-26, 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Alexander et al in view of Lemmons further in view of Kamen et al, US No. 7503003.

Re claim 1, Alexander et al disclose presenting an electronic program guide user interface (UI) illustrating a schedule of multimedia programming in a grid pattern, the grid pattern having a time dimension and a channel dimension, each multimedia

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program shown in the grid pattern being associated with a time and a channel(see fig.1; a grid guide 22 where every program is associated with channel and time);

monitoring user interactions with the EPG UI, including presses of a scroll forward key indicative of a user's desire to see future scheduled programming in the EPG UI(EPG also records information surrounding the viewer's interaction, col.28, lines 60-61; see fig.3; the viewer can view program listings scheduled at future times by pressing keys 32 or 34 to move horizontally about the Grid, col.4, lines 54-56);

wherein the triggering user interactions include a pre-determined number of presses of the scroll forward key or a number of presses of the scroll forward key which advances a presentation of a schedule of programming in the grid of the EPG UI a predefined amount of time into the future(the viewer scrolls up and down the listings for each channel and from left to right and right to left to view the listings for a channel scheduled for different times during the day. Typically, the left-most portion of the guide begins with the earliest scheduled programs and continues to the right serially through the listings scheduled at later times during the day, col.10, lines 36-42);

responding to a user's selection of one or more of the options of the quick EPG-navigation UI(selecting a theme brings up a screen listing, by time, channel, and title, of the programs that are consistent with the selected theme on a second-level theme screen, col.34, lines 46-49).

But did not explicitly disclose in response to one or more triggering user interactions, presenting a quick EPG- navigation UI that is inlaid within the grid pattern of the schedule of multimedia programming, the EPG-navigation UI having one or more user-selectable options therein,

wherein the inlaid quick EPG-navigation UI is presented so that the inlaid quick EPG-navigation UI is logically inlaid between time blocks of the schedule of multimedia

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programming in the grid pattern, the grid pattern being truncated with respect to the time dimension to accommodate the quick EPG-navigation UI, and the schedule of multimedia programming and inlaid quick EPG-navigation UI both being presented simultaneously.

However, Lemmons et al disclose in response to one or more triggering user interactions, presenting a quick EPG- navigation UI that is inlaid within the grid pattern of the schedule of multimedia programming, the EPG-navigation UI having one or more user-selectable options therein, wherein the inlaid quick EPG-navigation UI is presented so that the inlaid quick EPG-navigation UI is logically inlaid between time blocks of the schedule of multimedia programming in the grid pattern, the schedule of multimedia programming and inlaid quick EPG-navigation UI both being presented simultaneously. (when the Program Guide display mode is initially invoked by pressing the Guide key on the remote control , the screen 100 also includes a menu overlay or "quickmenu", col.9, lines 19-21; the quick menu 116 contains a plurality of menu choices which allow the viewer to control the operation of the interactive program guide, col.9, lines 25-27; the calendar cursor and the day part cursor are simultaneously displayed in the screen, col.17, lines 42-44).

It would have been obvious for any person of ordinary skill in the art at that time the invention was made to incorporate the teaching of Lemmons into the invention of Alexander for the purpose using overlaid for displaying multiple program concurrently.

And Kamen et al disclose the grid pattern being truncated with respect to the time dimension to accommodate the quick EPG-navigation UI (Since a 30 minute program is allotted only a small space for the program title and description, titles and/or descriptions for half and even full hour programs often must be truncated to fit in the allotted space, col.2, lines 28-32).

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It would have been obvious for any person of ordinary skill in the art at that time the invention was made to incorporate the teaching of Kamen into the invention of Alexander as modified Lemmons for the purpose of truncating the EPG horizontally with respect to time.

Re claim 2, Alexander et al disclose wherein the method further comprises generating the quick EPG-navigation UI and determining which user-selectable options to include based upon context of user interactions with the EPG UI before a triggering user interaction (the EPG typically returns to the mode in which the viewer was operating immediately before selecting the option that triggered the display of the video clip, col.20, lines 10-12).

Re claim 3, Alexander et al disclose wherein the method further comprises generating the quick EPG-navigation UI and determining positioning of the quick EPG-navigation UI within the EPG UI based upon context of user interactions with the EPG UI before a triggering user interaction (the viewer can jump to the channel slot for a particular channel by entering the digits of the channel identification number on the key pad of the viewer's remote control device. The EPG interprets the number and calculates the proper position for the EPG cursor. The EPG then displays the cursor at the appropriate channel slot on-screen, col.16, lines 29-35).

Re claim 4, Alexander et al disclose wherein the method further comprises generating the quick EPG-navigation UI and determining positioning of the quick EPG-navigation UI within the grid pattern of the schedule of multimedia programming based upon context of user interactions with the EPG UI before a triggering user interaction (The EPG then displays the cursor at the appropriate channel slot on-screen, col.16, lines 34-35).

Re claim 6, Alexander et al disclose wherein the triggering user interactions also include are selected from a group consisting of: a performance of a designated

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selection action(the EPG typically returns to the mode in which the viewer was operating immediately before selecting the option that triggered the display of the video clip,col.20, lines 10-12) .

Re claim 7, Alexander et al disclose wherein the user- selectable options are selected from a group consisting of: option to search future programming based upon one or more characteristics of that programming; option to look ahead into the schedule of multimedia programming of the EPG UI; option to view one or more live television multimedia programs; option to view one or more on-demand multimedia programs; option to view one or more pay-per-view multimedia programs; option to view one or more locally stored multimedia programs; option to view one or more pay-per-view multimedia programs; option to view one or more multimedia commercial messages; option to filter or otherwise adjust the parameters the determine which programs are listed by time within the grid(the viewer is also given the option of filtering, col.11, lines 35-36).

Re claim 8, Alexander et al disclose after the presenting of the quick EPG-navigation UI ,the quick EPG-navigation UI comprises one or more display areas, wherein contents of such display areas are selected from a group consisting of: one or more options to search future programming based upon one or more characteristics of that programming ;one or more options to look ahead into the schedule of multimedia programming of the EPG UI; one or more options to view one or more live television multimedia programs; one or more options to view one or more on-demand multimedia programs; one or more options to view one or more pay-per-view multimedia programs; one or more options to view one or more locally stored multimedia programs; one or more options to view one or more multimedia commercial messages; one or more options to filter or otherwise adjust the parameters the determine which programs are listed by time within the grid(see fig.1; a grid guide 22; offer search capabilities to the viewer to locate information of interest, Col.18, lines 52-53),.

Re claim 9, Alexander et al disclose wherein the responding to the user's selection comprises presenting new content of which is selected from a group consisting of: a new EPG UI listing future programming based upon one or more characteristics of that programming; a new grid showing a schedule of upcoming multimedia programming of the EPG UI starting at a time in the future ; a live television multimedia program; a on-demand multimedia program; a pay-per-view multimedia program; a locally stored multimedia program; a multimedia commercial message(viewer can choose to view the Grid Guide in an "all channel" format which displays in some order every channel and the listings of programs already in progress or scheduled to begin at some time in the future, col.10, lines 32-35).

Re claim 10, Alexander et al disclose a first display area comprises at least a portion of the schedule of multimedia programming in the grid pattern(see fig.1, grid guide);

But did not explicitly disclose a second display area comprises the quick EPG-navigation UI, the second display area inlaid within the grid pattern of the first display area.

However, Lemmons et al disclose a second display area comprises the quick EPG-navigation UI, the second display area inlaid within the grid pattern of the first display area (see fig.8; when the Program Guide display mode is initially invoked by pressing the Guide key on the remote control, the screen 100 also includes a menu overlay or "quick menu", col.9, lines 19-21).

It would have been obvious for any person of ordinary skill in the art at that time the invention was made to incorporate the teaching of Lemmons into the invention of Alexander for the purpose using overlaid for displaying multiple program concurrently.

Re claim 11, Alexander et al disclose wherein the quick EPG-navigation UI is



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presented so that it is inlaid between time blocks of the schedule of multimedia programming in the grid pattern(see fig.7, a quick navigation table).

Re claim 12, Alexander et al disclose a multimedia presentation system comprising: a multimedia presentation device (a television receiver, a VCR, or a cable box, col.3, line 25); a medium as recited in claim 1(see rejection on claim 1).

As claim 13, the claimed “the grid pattern having a time dimension and a channel dimension, each multimedia program shown in the ,grid pattern being associated with a time and a channel; means for receiving a user interaction with the EPG UI, including presses of a scroll forward key indicative of a user's desire to see future scheduled programming in the EPG UI...” is composed as the same structural elements as previously discussed with respect to the rejection of claim 1.

Re claim 14, Alexander et al disclose further comprising a means for presenting the EPG UI (see fig.1).

Re claim 15, is met as previously discussed with respect to claim 6.

Re claim 16, is met as previously discussed with respect to claim 7.

As claim 17, the claimed “the grid pattern having a time dimension and a channel dimension, each multimedia program shown in the ,grid pattern being associated with a time and a channel...” is composed as the same structural elements as previously discussed with respect to the rejection of claim 1.

Re claim 18, is met as previously discussed with respect to claim 6.

Re claim 19, is met as previously discussed with respect to claim 7.

Re claim 20, is met as previously discussed with respect to claim 10.

Re claim 21, is met as previously discussed with respect to claim 1.

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Re claim 22, Alexander et al disclose wherein the new content is selected from a group consisting of: a new EPG UI listing future programming based upon one or more characteristics of that programming; a new grid showing a schedule of upcoming multimedia programming of the EPG UI starting at a time in the future ; a live television multimedia program; a on-demand multimedia program; a pay-per-view multimedia program; a locally stored multimedia program; a multimedia commercial message(viewer can choose to view the Grid Guide in an "all channel" format which displays in some order every channel and the listings of programs already in progress or scheduled to begin at some time in the future, col.10, lines 32-35).

Re claim 23, is met as previously discussed with respect to claim 6.

Re claim 24, is met as previously discussed with respect to claim 7.

Re claim 25, is met as previously discussed with respect to claim 1.

Re claim 26, Alexander et al disclose wherein the responding to the user's selection comprises presenting new content of which is selected from a group consisting of: a new EPG UI listing future programming based upon one or more characteristics of that programming; a new grid showing a schedule of upcoming multimedia programming of the EPG UI starting at a time in the future ; a live television multimedia program; a on-demand multimedia program; a pay-per-view multimedia program; a locally stored multimedia program; a multimedia commercial message(viewer can choose to view the Grid Guide in an "all channel" format which displays in some order every channel and the listings of programs already in progress or scheduled to begin at some time in the future, col.10, lines 32-35).

Re claim 28, is met as previously discussed with respect to claim 7.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jean Duclos Saintcyr whose phone number is 571-270-3224. The examiner can normally reach on M-F 7:30-5:00 PM EST.If attempts to reach

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the examiner by telephone are not successful, his supervisor, Brian Pendleton, can be reached on 571-272-7527. The fax number for the organization where the application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Retrieval (PAIR) system. Status information for published applications may be obtained from either private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197(toll free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, dial 800-786-9199(IN USA OR CANADA) or 571-272-1000.

/Jean Duclos Saintcy /

/Brian T. Pendleton/

Supervisory Patent Examiner, Art Unit 2425